

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EL SOL BRANDS, INC. d/b/a R-BEST :  
TROPICALS; CARAVEO PAPAYAS, INC., :

Plaintiffs, :

- against - :

PRIME PRODUCE GROUP, INC., a New York :  
corporation; KYUNG HEE AN, an individual; :  
JETS PRODUCE CORP., a New York :  
corporation; JAY LEE, an individual; JOUNG :  
LEE, an individual; M.Y. PRODUCE, INC., a :  
New York corporation; MYONG KON KIM, :  
an individual, a/k/a YOUNG KIM; and :  
SUNG GON KIM, an individual, a/k/a SAM :  
KIM, :

Defendants. :

Case No.: 07 CV 11562 (SHS)

[ECF CASE]

-----X  
**CONSENT JUDGMENT FOR PLAINTIFFS EL SOL BRANDS, INC.  
d/b/a R-BEST TROPICALS AND CARAVEO PAPAYAS, INC.  
AGAINST DEFENDANTS M.Y. PRODUCE, INC., MYONG KON KIM,  
a/k/a YOUNG KIM, AND SUNG GON KIM a/k/a SAM KIM**  
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A conference having been scheduled for June 19, 2008 in the above-referenced action, and plaintiffs El Sol Brands, Inc. d/b/a R-Best Tropicals and Caraveo Papayas, Inc. ("Plaintiffs") and defendants M.Y. Produce, Inc., Myong Kon Kim, a/k/a Young Kim, and Sung Gon Kim a/k/a Sam Kim (the "Defendants") being represented by their respective counsel at the conference, and Plaintiffs and Defendants having agreed on the record to the terms of this consent judgment before the Honorable Sidney H. Stein, United States District Court Judge, it is hereby

**ORDERED, ADJUDGED AND DECREED**, that the above-captioned action be and hereby is reinstated for purposes of entry of this judgment; and it is further

**ORDERED, ADJUDGED AND DECREED**, that plaintiff El Sol Brands, Inc. d/b/a R-Best Tropicals and Caraveo Papayas, Inc. have judgment against each of M.Y. Produce, Inc., Myong Kon Kim, a/k/a Young Kim, and Sung Gon Kim a/k/a Sam Kim, jointly and severally, in the aggregate amount of \$57,000; and it is further

**ORDERED, ADJUDGED AND DECREED**, that defendants M.Y. Produce, Inc., Myong Kon Kim, a/k/a Young Kim, and Sung Gon Kim a/k/a Sam Kim shall not transfer or dispose of their assets outside of the ordinary course of their business until this judgment has been satisfied; and it is further

**ORDERED, ADJUDGED AND DECREED**, that with respect to Units 264 and 265 leased by defendant M.Y. Produce, Inc. at the New York City Terminal Produce Co-Operative Market, Bronx, New York, 10474 (collectively, the "Units"), there shall be no distribution of proceeds resulting from the sale of the Units without (i) satisfaction of this judgment, (ii) written consent of Plaintiffs, or (iii) further order of this Court; and it is further

**ORDERED, ADJUDGED AND DECREED**, that Plaintiffs' may undertake any lawful act they deem necessary to establish a lien, charge, restraint or encumbrance upon the real property and personal property of defendant M.Y. Produce, Inc. to secure this judgment, including, but not limited to, recordation of an abstract of judgment, issuance of a restraining notice to the New York City Terminal Produce Co-Operative Market, and levy by service of writ of execution, provided, however, that Plaintiffs shall not proceed with any sale of real or

personal property of defendant M.Y. Produce, Inc. pursuant to a writ of execution without further order of this Court or written consent of defendant M.Y. Produce, Inc.; and it is further

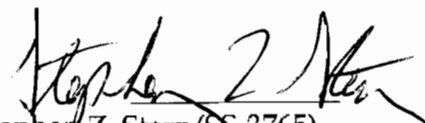
**ORDERED, ADJUDGED AND DECREED**, that Plaintiffs' shall not enforce this judgment against the personal assets or income of defendant Myong Kon Kim, a/k/a Young Kim, and Sung Gon Kim a/k/a Sam Kim without further order of this Court or written consent of the affected defendant.

**AGREED:**

Dated: June 20, 2008

STARR & STARR PLLC

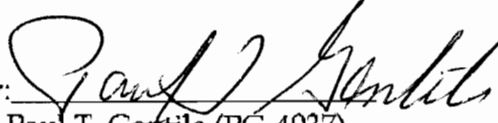
*Counsel for Plaintiffs,  
El Sol Brands, Inc. d/b/a R-Best  
Tropicals and Caraveo Papayas, Inc.*

By:   
Stephen Z. Starr (SS-3765)  
Vildan E. Starr (VS-1350)  
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New York, NY 10016  
tel.: (212) 867-8165  
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Dated: June 20, 2008

GENTILE & DICKLER, LLP

*Counsel for Defendants, M.Y. Produce, Inc.,  
Myong Kon Kim, a/k/a Young Kim, and Sung Gon  
Kim a/k/a Sam Kim*

By:   
Paul T. Gentile (PG-4037)  
261 Madison Ave., 25th Fl.  
New York, NY 10016  
tel.: (212) 619-2700  
fax.: (212) 619-3626

"SO ORDERED" on this 20<sup>th</sup> day of June, 2008  
in New York, New York.

  
UNITED STATES DISTRICT COURT JUDGE

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:**

( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-V-	<div style="text-align: right;">X</div> <div style="text-align: center;"><b>NOTICE OF APPEAL</b></div> <div style="text-align: center;">civ.            (    )</div> <div style="text-align: left;">X</div>
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Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

(    ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**FORM 1**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ. ( )

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 2**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME**

civ. ( )

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_ respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 3**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

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-V-  
-----X

**AFFIRMATION OF SERVICE**

civ. ( )

I, \_\_\_\_\_, declare under penalty of perjury that I have  
served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006